

A. G. Contract No. KR901041TRD
ECS File: JPA-90-75
Yuma File: Res. # 2643
Project: B-8 Drainage Study

INTERGOVERNMENTAL AGREEMENT
AMONG
THE STATE OF ARIZONA,
THE YUMA COUNTY FLOOD CONTROL DISTRICT,
AND
THE CITY OF YUMA

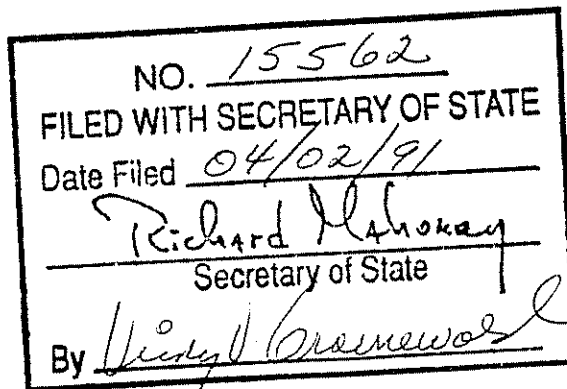
THIS AGREEMENT is entered into 2 APRIL, 1991,
pursuant to Arizona Revised Statutes, Sections 11-951 through
11-954, as amended, between the STATE OF ARIZONA, acting by and
through its DEPARTMENT OF TRANSPORTATION (the "State") and the
YUMA COUNTY FLOOD CONTROL DISTRICT, acting by and through its
Board of Directors (the "District") and the CITY OF YUMA,
acting by and through its City Council (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes
Section 28-108 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has delegated
to the undersigned the authority to execute this agreement on
behalf of the State.

2. The District is empowered by Arizona Revised Statutes
Section 48-3603 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has
authorized the undersigned to execute this agreement on behalf
of the District.

3. The City is empowered by Arizona Revised Statutes
Section 48-572 and City Charter Article 3, Section 13 to enter
into this agreement and has by resolution, a copy of which is
attached hereto and made a part hereof, resolved to enter into
this agreement and has authorized the undersigned to execute
this agreement on behalf of the City.



4. The State, the District and the City desire to participate in a drainage study in the vicinity of Business Route 8, at an estimated cost of \$60,000.00, to evaluate alternatives and make recommendations to develop a drainage concept in consideration of roadway plans, storm drainage plans, utility plans, zoning maps, drainage ordinances, previous drainage reports, bench mark surveys, permeability tests, photo contours, as built drawings and the regional stormwater management plan.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. The District will:

a. Confer with the State and the City to develop a mutually acceptable consultant scope of work, with a view towards total build out of the area, as generally outlined on Exhibits A and B, which are attached hereto and made a part hereof, and hire a consultant to accomplish the drainage study and develop a total storm drainage system plan.

b. Coordinate the efforts of the consultant and provide the State and the City copies of progress reports and other pertinent documents as appropriate.

c. Administer the consultant contract and make all payments thereunder. Participate in the study costs in an amount estimated at \$20,000. Invoice the State and the City equally, in total amounts estimated at \$20,000.00 each, as necessary to amortize the contract.

d. Be responsible for any consultant claims for extra compensation attributable to the District.

2. The City will:

a. Participate in the study costs in an amount estimated at \$20,000. Reimburse the District within thirty (30) days after receipt and approval of invoices.

b. Provide the consultant such data required for the study as may be reasonably available, at no cost.

c. Review progress reports and provide comments as appropriate.

d. Be responsible for any consultant claims for extra compensation attributable to the City.

3. The State will:

a. Participate in the study costs in an amount estimated at \$20,000. Reimburse the District within thirty (30) days after receipt and approval of invoices.

b. Provide the consultant such data required for the study as may be reasonably available, at no cost.

c. Review progress reports and provide comments as appropriate.

d. Be responsible for any consultant claims for extra compensation attributable to the State

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said study; provided, however, that this agreement may be cancelled at any time prior to the award of a consultant contract, upon thirty (30) days written notice to the other parties.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518 (B) and (C).

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Room 222E
Phoenix, AZ 85007

Yuma County Flood Control District
Flood Control Engineer
2703 Avenue B
Yuma, AZ 85364

City of Yuma
City Administrator
180 West 1st Street
Yuma, AZ 85364

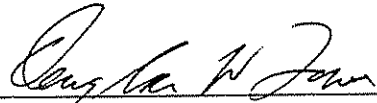
7. Attached hereto and incorporated herein is a copy of the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF YUMA

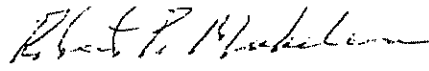
STATE OF ARIZONA

Department of Transportation

By 

CITY ADMINISTRATOR

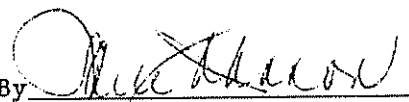
Title

By 

ROBERT P. MICKELSON

Deputy State Engineer

ATTEST:

By 

Deputy City Clerk

Title

YUMA COUNTY FLOOD CONTROL DISTRICT

By 

Chairman

Title

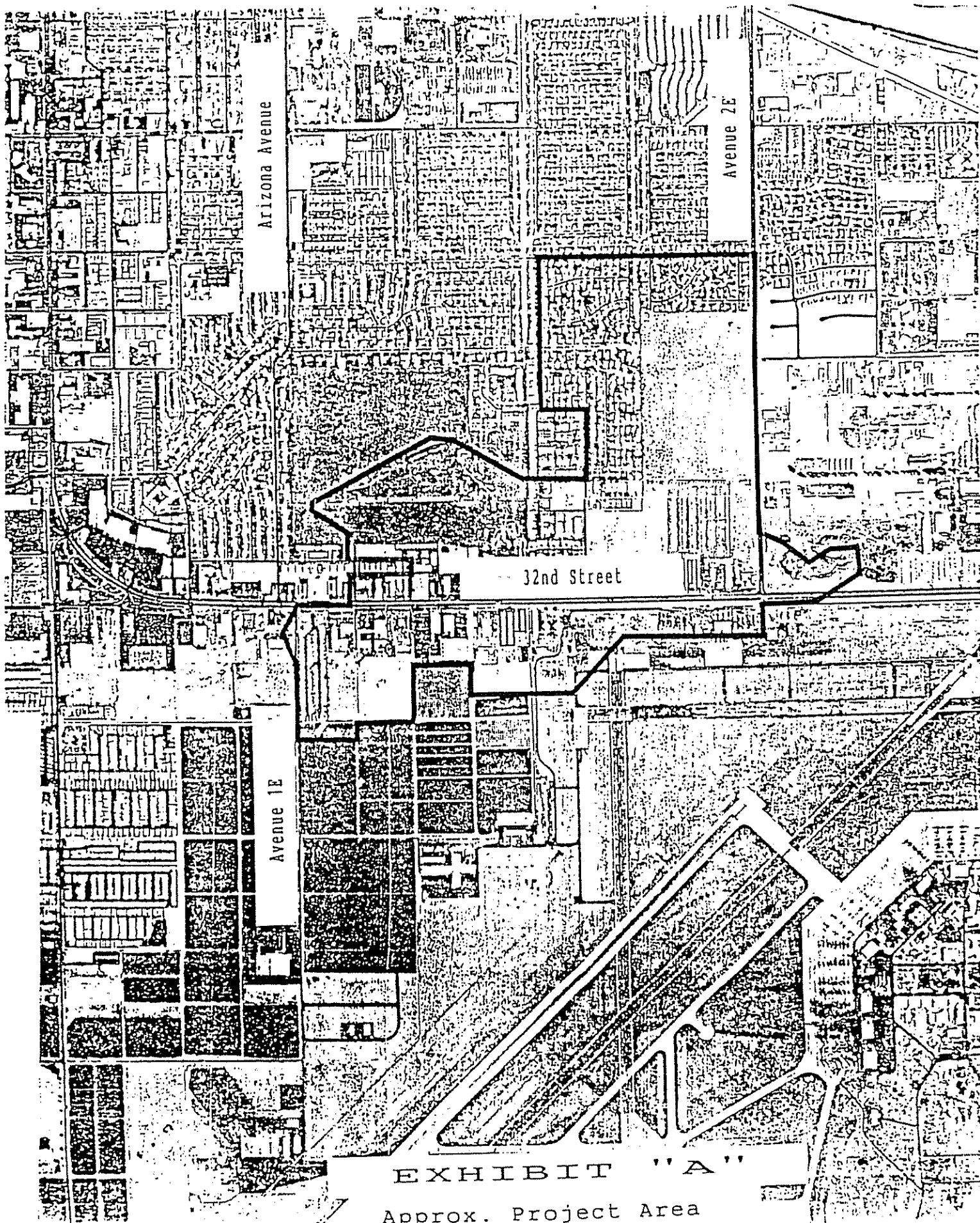


EXHIBIT "A"

Approx. Project Area

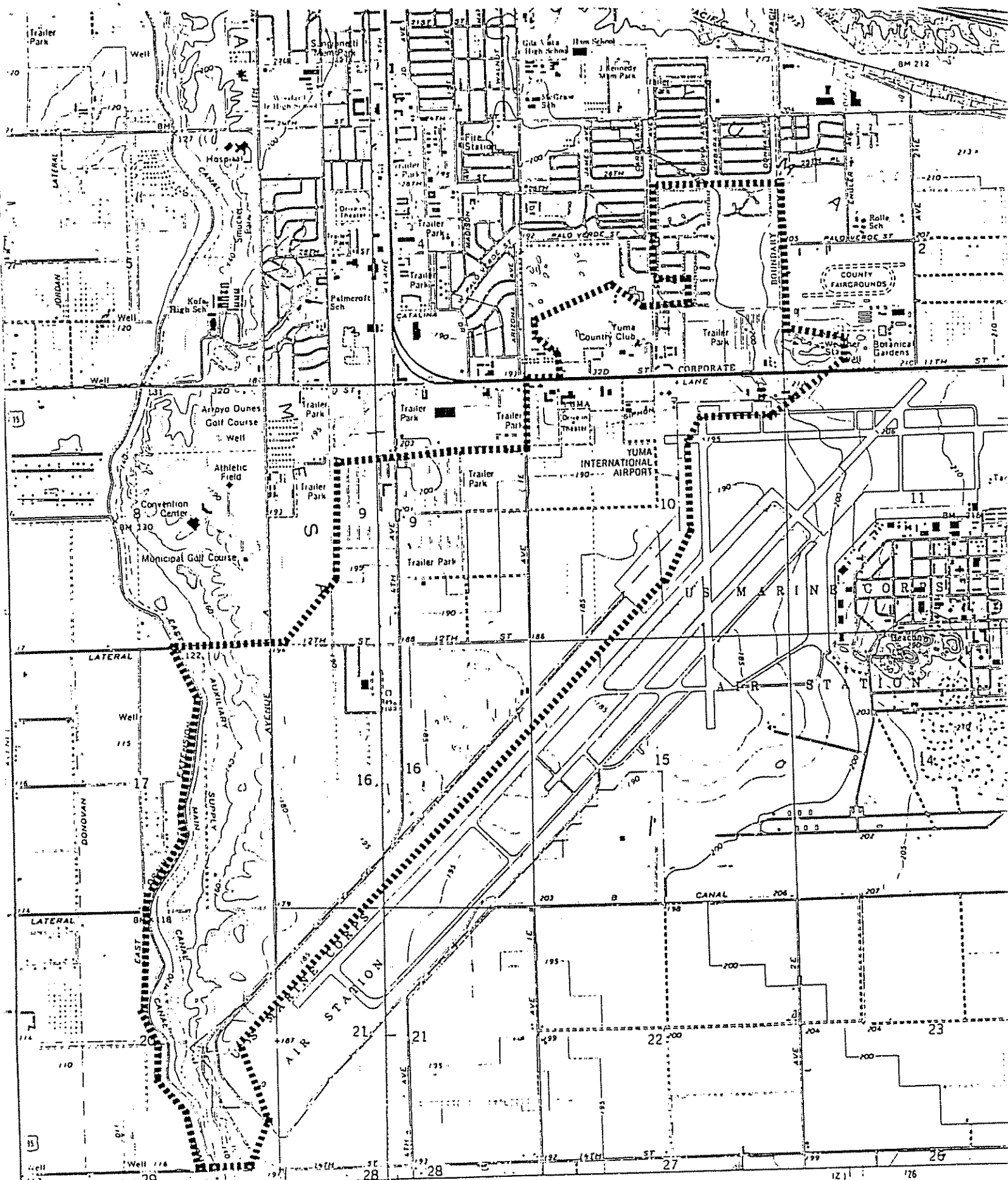
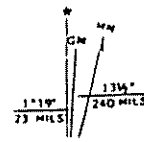


EXHIBIT "B"

SOUTH MESA AREA

ROAD CLASSIFICATION


Heavy duty _____ Light duty _____
Medium duty _____ Unimproved dirt _____

 U S Route

RESOLUTION

BE IT RESOLVED on this 4th day of May 1990, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Yuma and Yuma County Flood Control District for the purpose of defining responsibilities to conduct a drainage study on B-8 in Yuma.

Therefore, authorization is hereby granted to draft said agreements which, upon completion, shall be submitted for approval and execution by the Deputy State Engineer.


CHARLES L. MILLER, Director
Arizona Department of
Transportation

RESOLUTION NO. 2643

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT TO STUDY STORM WATER DRAINAGE PROBLEMS IN THE AREA OF 32ND STREET (STATE ROUTE B-8)

WHEREAS, flooding has occurred in the vicinity of 32nd Street (State Route B-8), and

WHEREAS, such flooding poses a threat to the property or safety of City residents and businesses, and

WHEREAS, the solution to this flooding problem requires the careful study of the causes and possible solutions of such flooding, and

WHEREAS, such study, to be successful, requires the cooperation and participation of the City of Yuma, the Yuma County Flood Control District and the Arizona Department of Transportation,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, as follows:

Section 1.

That the City Administrator is authorized and directed to execute the B-8 Drainage Study Intergovernmental Agreement attached hereto.

PASSED AND ADOPTED AND APPROVED this 2nd day of January 1991.

ATTEST:

DEPUTY CITY Clerk

APPROVED:

Mayor

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

City Administrator

Approved at the City Council Meeting of:

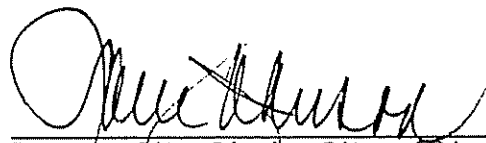
January 2, 1991

DEPUTY CITY Clerk: M. J. Johnson

STATE OF ARIZONA)
)
COUNTY OF YUMA)

I, Lane Johnson, Deputy City Clerk of the City of Yuma, Arizona,
Do Hereby Certify that the attached Resolution No. 2643 is a true
and correct copy of the original as duly passed and adopted by the
said City Council, approved and signed by the Mayor of said City,
and attested by the City Clerk of said City, all at a regular meeting
of said Council held on the 2nd day of January, 1991.

WITNESS MY HAND AND THE OFFICIAL SEAL OF SAID CITY THIS
15th DAY OF JANUARY, 1991.



Deputy City Clerk, City of Yuma

Supervisor Woodard responded that the Board was not approving any project; just accepting the statement that these are the areas that need some work in the County. Whenever the time comes to consider one of the projects and do it, then the Board will discuss how to pay for it.

Supervisor Conner moved to accept the 1990 Flood Control Assessment Report as presented and will ask questions of the Supervisors in the future to be brought up on a future agenda, seconded by Supervisor Woodard and carried 4-1 with Supervisor Phillips dissenting.

- b. Approve Intergovernmental Agreement between the Yuma County Flood Control District, the State of Arizona Department of Transportation, and the City of Yuma to conduct a DRAINAGE STUDY for the BUSINESS 8 AREA between Arizona Avenue and Pacific Avenue.

Supervisor Conner moved to approve intergovernmental agreement between the Yuma County Flood Control District, the State of Arizona Department of Transportation, and the City of Yuma to conduct a Drainage Study for the Business 8 Area between Arizona Avenue and Pacific Avenue, and authorize the Manager to sign the agreement, seconded by Supervisor Woodard.

Mike Smith, stated the agreement was set up for the Chairman's signature, not the County Manager's.

Supervisor Conner amended his motion to authorize the Chairman to sign the intergovernmental agreement, seconded by Supervisor Woodard.

The Board then voted 4-1 in favor of the amendment, with Supervisor Phillips dissenting.

The Board voted 4-1 in favor of the motion with Bob Phillips dissenting because of his objection to hiring consultants outside the Yuma Area.

- c. Adjourn as Board of Directors of Yuma County Flood Control District and reconvene as Yuma County Board of Supervisors.

Supervisor Woodard moved to adjourn as Board of Directors of Yuma County Flood Control District and reconvene as Yuma County Board of Supervisors, seconded by Supervisor McClendon and carried unanimously.

Approve appointments to the following Boards and Commissions:

- a. Appointment to BOARD OF ADJUSTMENTS.

Supervisor Phillips appointed Charles Saltzer of Avenue 4E (Term effective February 1, 1991), to the Board of Adjustments.

JPA 90-75

APPROVAL OF THE YUMA CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF YUMA and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 15th day of January, 1990.

Steven W. Hage
City Attorney



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert R. Corbin

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. KR901041TRD, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 1 day of April, 1991

GRANT WOODS
Attorney General

A handwritten signature in cursive script, reading "James R. Redpath", is written over a horizontal line.

JAMES R. REDPATH
Assistant Attorney General
Transportation Division

JPA 90-75

APPROVAL OF THE COUNTY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and YUMA COUNTY FLOOD CONTROL DISTRICT and declare this agreement to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

DATED this 21 day of Jan, 1990¹.

Wm. Michael Smith
Dep. County Attorney

1979j

RESOLUTION

BE IT RESOLVED on this 4th day of May 1990, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Yuma and Yuma County Flood Control District for the purpose of defining responsibilities to conduct a drainage study on B-8 in Yuma.

Therefore, authorization is hereby granted to draft said agreements which, upon completion, shall be submitted for approval and execution by the Deputy State Engineer.

A handwritten signature in cursive script, reading "Charles L. Miller", written in dark ink.

CHARLES L. MILLER, Director
Arizona Department of
Transportation